

Bahrain Government receives 50% of the profits of the oil industry. 652
The Eastern Bank, since it was established in 1919, has served as the State's Treasury and a Budget is published every year showing the revenue and expenditure of the State.

The Customs Directorate is in the centre of the Manama sea front 651
and there are subsidiary offices in Muharraaq Town, at the Airport 439
and at Sitra. All goods of any kind which are imported or exported 504
must pass through the customs. The Customs Pier at Manama, which was originally built in 1917, has frequently been lengthened and enlarged and now extends for a quarter of a mile out to sea. Owing to shallow water, vessels in the Manama harbour have to anchor some three miles from the shore and passengers and cargo are conveyed to and from the steamers by launches, barges and sailing dhows. The port and storage facilities in Bahrain are better than elsewhere in the Gulf and importers are allowed to retain their goods in the customs premises for ninety days before re-exporting them. There are usually about 90-100 sailing vessels and launches alongside and anchored off the pier, these come from other Gulf ports, from the west coast of India and from the Red Sea. Walking down the customs pier one sees many interesting types of vessels and sea-faring Arabs from all parts of the Gulf and beyond it.

On the west of the entrance to the Pier is the Passport Office. 486
Passport Officials go aboard all passenger vessels and are present at the Airport when aircraft arrive. Bahrain has had its own passports since 1929.

On the south side of the Square, which has a little garden in the 344
centre of it, is the "Bab al-Bahrain," the Gateway of Bahrain, consisting of two large blocks of office buildings with an archway in the centre. On the south side of the western block there is a fine old Arab door and on the balconies of the buildings as well as around the garden in the Square there are cement panels containing Arabesque patterns copied from old buildings in Bahrain.

The Bab al-Bahrain contains the finance and accounts department 344
where all payments to the Government for electricity, water, etc., etc., 655
are made, the Land Department which deals with sales and registration 423
of property and questions about boundaries and ownership of land, the registration of sales being compulsory, and several other government offices. His Highness has a reception room overlooking the 643
square on the first floor of the building where he sits on Wednesday mornings. Here he receives any visitors who wish to call on him and sees people who present petitions. On Monday mornings he visits the Municipal Buildings at Muharraaq where he holds a similar reception.

East of the Customs, on the sea front, is the Law Courts Building 692
which contains a number of different courts including religious courts presided over by the Qadis of the Sunni and Shia sects. Certain foreigners, including British, Americans, Pakistanis and Indians are under the judicial authority of H.B.M.'s Political Agent. In mixed

692 cases if the defendant is a Bahrain citizen and the plaintiff is a foreigner the case is heard in a Joint Court. The language of the Bahrain Courts is Arabic and no barristers or wakils who are not Bahrainis are allowed to appear in them.

647 At the eastern end of the sea road¹ is the Adviserate, the Ruler deals with affairs of State in this office on Tuesdays and Saturdays. Beyond the Adviserate is H.B.M.'s Political Agency which was built early in the century.

743 At the western end of the Sea Road is the Government Hospital. It includes a men's and women's hospital, administrative offices, X-Ray, laboratories, operating theatres and out-patients' rooms. There are beds for men and for women, with a few private rooms in each section. The Indian Staff occupy a large three storied building close to the hospital and behind the Women's Hospital is the house of the British nursing sisters. On Awal Road there is a large Public Health Office and beyond it a T.B. Sanatorium and a Mental Hospital. Opposite the Police Fort there are also two small isolation hospitals. In Muharraaq there is a maternity hospital in the centre of the town and a clinic on the sea front. In Hedd and in some of the villages there are also small clinics. The Government Medical Staff includes a number of British and Indian doctors and nurses.

871 Education in Bahrain is not, at present, compulsory, but every year the number of boys' and girls' schools increases. The oldest school in Bahrain is the Muharraaq Boys' School in North Muharraaq town, which was built in 1919, and there are now 28 government schools including village schools, town schools, a boys' secondary school, and a technical school where carpentry and engineering are taught. At the beginning of the 1952-53 term there were 4000 boys and 2,500 girls attending government schools. Except in the secondary school, education is free and every year scholarships are given by the Government and BAPCO to enable students to obtain advanced education at the American University of Beirut. There is a students' hostel in Manama which accommodates about 100 boys, here students from the villages and other towns are housed while they attend the more advanced town schools.

[875] Most of the teachers are Bahrainis though there are a certain number of teachers from neighbouring Arab countries. English is taught in the higher classes as well as the usual subjects. All the schools close during the summer from about the middle of June till the end of September. Some of the government schools are among the most noticeable of the modern buildings in Manama.

871 In addition to the Government schools there are a number of private schools including a European day school at Awali, Catholic, Persian and Indian schools in Manama and a girls school run by the mission of the Dutch reformed Church of America. The Oil Company also has a trade school for its Arab employees.

During the year the Department sent a deputation consisting of one of the members of the committee and the Superintendent to Kuwait to make a claim for the Waqf funds from the large and very valuable building on the Sea Road west of the Customs pier. This building was acquired by one Hilal Al Materi a Kuwaiti pearl merchant. He dedicated it as a Waqf for charitable purposes, not specifying whether the funds should be spent in Bahrain or in Kuwait. The Sunni Waqf Department obtained an opinion on the case from Al Azhar in Cairo supporting their claim that the Waqf should be spent in the country where the property was situated. The Deputation was not received with any enthusiasm in Kuwait, some sort of compromise was arrived at but at the end of the year the Department had not received any contribution from the Waqf towards charitable objects in Bahrain.

PASSPORT DEPARTMENT

(From the report of Mr. Kadhim Al Asfoor, Passport Officer)

Revenue. The total revenue was Rs. 53,789/-, about Rs. 19,000 less than was collected in 1371. This decrease was due to a shortage of book passports which were being printed in England. Some changes were made in the new passports which now contain the name of the holder on the outside of the cover as well as inside it. A further change in the wording is "date of birth" instead of "age," though at present very few of the people who use the passports know either the date of their birth or their age. Revenue from Travel Passes was Rs. 22,339, from entry forms, Rs. 8,236 and from miscellaneous forms Rs. 5,041.

Pilgrims. Only 280 persons did the Pilgrimage to Mecca, this number included 19 Persians, long resident in Bahrain who were granted passport facilities to perform the pilgrimage. Over 3,500 Shia pilgrims visited the Holy Cities of Iraq, an increase of about 500 over the previous year's number. These pilgrims included many people from the villages. Some of them crossed from Iraq to Persia and visited the Shia shrines of Persia. Such journeys are lengthy and expensive and the increase in the number of Shia pilgrims every year is an indication of prosperity among the working classes.

About 200 Arabs from Bahrain went to the Lebanon, mostly during the summer, this was about half the number who travelled there last year. In spite of inducements by the Government of the Lebanon to encourage tourists from the Gulf the people of Bahrain are beginning to find that they cannot afford to pay the excessively high prices which prevail in Beirut and in mountain resorts. The much advertised wealth of certain Gulf states seems to have caused the people of the Lebanon to regard any Arab from the Gulf as a rich traveller and a potential spender.

		Arrivals.	Departures.
Passengers.	By Air	22,542	23,758
	By steamers	13,206	13,136
	By Country Craft	34,220	35,228

Number of dhows and launches visiting Bahrain : 4,958.

During the year 1,077 gratis passes were issued to Shaikhs, their followers, teachers and students. Numerous members of the Ruling Family with their followers went on hunting trips to Saudi Arabia, Iraq and Kuwait.

During the diving season 496 Persian divers were allowed to land in Bahrain and to return to Persia after the diving season.

[Sunni Department - 12/1/53]

JUDICIAL

(From the report of Mr. Salim Al Arayedh, Superintendent, Judicial Department)

The number of cases of all kinds which were filed in the Senior Court, consisting of Shaikh Daij bin Hamed and Shaikh Ali bin Ahmed, sitting separately except on one day of the week when both sit together with the Adviser, was 1158. This was 258 more than in the previous year. The cases consisted of 451 civil suits of which 13 related to administration of estates, 430 criminal charges, including a number of trivial matters which would not usually be dealt with by a senior court, and 227 land registration cases. The increase over the previous year was mainly due to the court having acquired jurisdiction over nationals of other Gulf States. Of these cases 167 were civil suits. 691

In all the courts civil suits predominate and a high proportion of them are concerned with immovable property. The high value of land, especially in the towns, has made the public more conscious of the importance of boundaries and the worth of property. There has been much litigation over inheritance and shares in houses and gardens. Heirs in estates who in the past were content to live together in one building now apply to the courts for an order to divide the property so that they may sell their shares in it. Because such high prices can be obtained for land anybody who can claim even a small share in a building or a garden takes his case to the courts. 691 423 428

It has been noticed in the Appeal Court too that questions of land ownership and boundaries have predominated.

There were no important civil cases and, apart from traffic offences, no serious crimes. A man stabbed his brother during a quarrel, inflicting "grievous hurt" for which he was sentenced to four years rigorous imprisonment and in two fatal traffic accidents drivers of vehicles were sentenced to two years rigorous imprisonment and to pay fines of Rs. 5,000/-. In certain traffic offences the occupants of cars ran away which suggests that they were probably under the influence of liquor when the accidents occurred. 681 697

Fines amounting to Rs. 7,623/- were paid into court and the sum collected in court fees was Rs. 43,599.

In the small courts 1,964 new cases were filed, 1,668 cases were disposed of and at the end of the year 692 cases were pending. The courts issued 506 execution orders leaving 155 to be dealt with at the end of the year. 691

The Sunni and Shia Courts heard 269 and 172 cases respectively leaving 119 and 51 cases pending. One of 129 cases which were referred to the Majlis Tajara for an opinion 94 cases were returned to the courts and 35 cases were pending.

The Sunni Shera Court did not work smoothly during the year owing to differences of opinion among the three Kadis, two of them being of the Maliki and one of the Shafi Sect. At one time all cases were judged according to the Maliki tenets, this being the sect of the Ruling Family, but some years ago the Government issued a direction to the court according to which if the plaintiff, or both parties, followed the Shafi doctrine then their case should be tried according to Shafi law. 692 693

There has also been criticism of the Maglis Tajara which consists of a group of leading merchants appointed by the Government who give opinions on commercial matters and local custom. They are busy men and they receive no pay and when it is inconvenient for them to attend the court, and it is frequently inconvenient, they do not appear. Often less than half of the number are present. In addition, they are closely connected either as competitors or partners and it is sometimes difficult for them to give impartial opinion.

The Shia Appeal Kadi gave judgment in 18 cases, the Senior Appeal Court heard 27 cases and the Junior Appeal Court dealt with 28 cases.

JUDICIAL

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The impartial administration of justice in the Bahrain courts is, in my opinion, the most difficult problem which is dealt with by the Government. The impartiality of magistrates and members of various courts is constantly liable to be affected by causes outside the court. Too often claims are not decided only on the merits of the case but partly by the amount of outside interest which the parties can bring to bear on members of the courts. The reason for such interference in cases is chiefly due to the fondness of the local inhabitants of Bahrain of concerning themselves in their neighbours' affairs: people who are not really affected by a case frequently involve themselves in it with the laudable desire to make a compromise, and if the case is already being heard, such action causes complications. When, as is often the case, the interceders are the relations of the magistrate it is difficult for the magistrates to disregard outside pressure. Other matters which make the work of the courts difficult are the jealousy which the Shera courts feel towards the civil courts, the sectarian differences between the Sunnis and the Shias, and the fact that because Bahrain is such a small place—especially in the courts such as the Meglis Tajara, whose members are a number of local merchants—the parties in most of the cases are usually connected with one or more of the members of the court either by relationship or through commercial or other channels. Another practice which affects the administration of justice is the ingrained habit of the Arabs of Bahrain of visiting the Ruler themselves to complain about the judgments in his courts instead of making an appeal to him in the prescribed manner. Perhaps, however, it is not surprising that the people of Bahrain have not yet become legally minded, as regular Bahrain courts have only existed for a little more than ten years.

Institution of Courts.

The first regular Bahrain court to be instituted was the Joint Court, presided over by the Ruler and the Political Agent, to deal with cases brought by foreign subjects against Bahrain nationals. In 1926 the Bahrain Court was created to judge cases between Bahrain subjects. In the beginning it consisted of myself and Shaikh Mohammed bin Abdul Rahman, a somewhat obscure member of the Ruling Family. There was also a court known as the Meglis Urhi, which consisted of three or four local merchants. This court, in one form or another, had been in existence for many years, and in 1926 it acted in an advisory capacity in cases where questions of local practice or commercial custom were involved. The Shera courts consisted of the Sunni and the Shia Kadhis. The former, Shaikh Jasim, was over eighty years old and quite blind, and the latter, Shaikh Khalaf, was not much younger; both these Kadhis were more influential than any of their predecessors have been. They had no regular courts or records, and heard cases in their houses or in mosques. Diving cases were decided by the Political Agent or by the Bahrain Court.

The Bahrain Court.

The Bahrain Court is the highest court of the Bahrain Government, from whose decisions appeal lies only to the Ruler himself. In the last ten years it has seen various changes. In 1926 (1344-45), owing to a family dispute, Shaikh Mohammed bin Abdul Rahman gave up court work and his place was taken by Shaikh Sulman bin Hamed, who sat on the court, intermittently, for about eight years. On several occasions he retired from the court for some months. During the summer of 1934 he sat alone on the court while I was absent on leave, and in the autumn of that year a certain faction of the Shia Baharna of Manamah organised a disturbance and made serious complaints about various different matters, including the administration of justice by the Bahrain Court. Shaikh Sulman again retired from the Court, and since then he has shown no inclination to return to it. In 1935 Shaikh Rashid bin Mohammed and Shaikh Abdulla bin Shaikh Hamed were appointed as magistrates on the Bahrain Court, both having sat for several years on other courts, and since then they have occupied this post, an arrangement which seems to be generally satisfactory. They deal with most of the cases themselves, but for the hearing of appeals from lower courts and certain important cases I join them in the court.

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The following different kinds of cases are tried by the Bahrain court; usually, about 1,400 cases are heard during the year.

1. **Criminal Cases**, including capital offences, except cases of a trivial nature which are heard by the Small Court, are tried by the Bahrain Court. Death sentences are submitted to the Ruler for confirmation before promulgation.

2. **Civil Cases**, including estate cases, bankruptcy, inheritance, and divorce, are heard by the Bahrain Court, but the divorce and inheritance claims are passed on to the Shera Courts for judgment. Several very important cases have been settled by the Bahrain Court during the last ten years, including the Siadi case, in which the amount involved was over ten lacs.

3. **Diving Cases**. These cases are frequently referred to the Meglis Tajara, which has a special committee who are experts in diving law.

4. **Land Cases**. Land cases are very numerous and often very complicated, but in time they should decrease as by degrees more property is being registered in the Land Department, which reduces disputes. These cases include boundary disputes, water rights, Wakt claims, and rights of way. The local custom regarding the different divisions of water is in itself a complicated affair, and it has never been embodied in any regulation or code. All sales are registered after publication of proclamation calling on persons having a claim to the property to make it within a given time; but in addition to the proclamation, every sale or voluntary registration of ownership is submitted to the Bahrain Court after the proclamation has expired, and the court verifies, by hearing witnesses, the statement of the seller, with special regard to the interest of any women or minors. Although this may appear to be a cumbersome procedure, its value has been frequently proved by the court discovering that property of women or minors is being disposed of without the knowledge of the owners. Sales by foreigners, as well as by Bahrain subjects, pass through the Bahrain Court.

5. **Fish-Trap Cases**. These cases are numerous and are decided according to a local code governing the use of fish-traps. The rules of fish-trap ownership have not yet been recorded, but they are generally known to persons connected with this industry. The court usually appoints a committee to report on cases, but this practice, on the whole, is not satisfactory, as members of the committees are too susceptible to outside influence.

The Bahrain Small Court.

The court was instituted in 1927 (1346) to relieve the Bahrain Court of some of its work. In the beginning it dealt with civil cases in which the amount concerned was not more than Rs 100/-, but in 1935 its powers were extended and it now gives judgment in cases up to Rs 400/- and also hears minor criminal cases, but not diving cases. When the court was first started it was presided over by the Assistant Adviser, Captain Parke, and the Amir of Muharraq, Shaikh Mohammed bin Jabr.

Shera Court, Sunni.

In 1926 it became evident that the Sunni Kadi, Shaikh Jasim, was no longer capable of carrying out his duties on account of his age and blindness. It was found that dishonest persons were able to obtain his seal and used it for their own purposes. The Government appointed three Sunni Alims, Shaikh Abdul Latif bin Mohammed Al-Saad of Manamah, Shaikh Abdul Latif bin Ali Al-Joudar of Muharraq, and Shaikh Abdul Latif bin Mahmood of Hedd as Kadis, and from that time they have sat together in the Sunni Shera Court. It was found that three Kadis on one bench was more satisfactory than a single Kadi. Their work, on the whole, has been satisfactory, but the public complain, with justification, of the slowness of the court. Simple cases are often before the court for over a year before a judgment is delivered, and the court usually has between two and three hundred pending cases on hand.

Shera Court, Shia.

There have been many changes in the Shia Court during the last ten years. In 1926, Shaikh Khalaf was the only Shia Kadi. He had been Kadi for many years, although he had twice been dismissed for irregular practices, but each time, after an interval, he returned to power. His influence was very great; he was regarded as almost divine. In 1926, charges of accepting bribes and misappropriation were brought against him and proved in the court. He was finally dismissed and ordered to leave Bahrain. He retired to Iraq for some years, but eventually returned to Bahrain, where he is now living.

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The Government then appointed Seyed Adhnan of Jedhafs as Shia Kadi. He was a progressive young man of a well-known family, with more education than most of the Shia Alims. He was interested in education and had travelled abroad. Through his influence the Government was able to start the Shia Wakf Department, and he himself compiled a list of the Wakf property in Bahrain. Unfortunately he died suddenly in 1928.

For some months no successor was appointed, but finally the Government chose Shaikh Ali bin Hassan al-Mousa and Shaikh Abdulla bin Mohammed Saleh; the former was appointed Kadi for the villages and the latter as Kadi of Manamah. Shaikh Ali bin Hassan still retains his position and is one of the three Shia Kadis who are now officiating.

Shaikh Abdulla acted as Kadi until 1935, when he was dismissed from his post in disgrace, having been prosecuted on a charge of criminal misappropriation. While he occupied the post of Kadi he was helpful and intelligent, but he became a rich man during the period of his office by stealing the property of orphans and minors.

After the dismissal of Shaikh Abdulla, Shaikh Ali bin Hassan was transferred to Manamah and two more Kadis were appointed, Shaikh Ali bin Jaffar and Shaikh Baqer al-Asfur. This arrangement is not very satisfactory as the three Kadis are all on bad terms with each other and the local political parties among the Baharna continually stir up trouble and play off the Kadis against each other in order to further their personal interests.

It is not surprising that the prestige and influence of the Shia Kadis has declined to a remarkable extent during the last ten years. The Kadis in the past, whatever their faults, had a tremendous influence over the Shia community; now this influence only exists over a few of the country people. The decline of influence is due partly to the change in the mental outlook of the young men in Manamah, but the main cause is the dishonest and unsuitable behaviour of certain of the Kadis.

These conditions will continue until men can be appointed as Kadis who are properly educated and versed in Shera law and legal procedure. The present Kadis, both Shia and Sunni, possess less general education than the present generation of young Arabs, and even their knowledge of the Shera law is, in the case of some of them, very slight. The only way to improve the status and reputation of the Shera Courts is for the Government to arrange for the education abroad of some suitable young men who will eventually become Kadis. The Government is at present trying to arrange for the education of the son of Seyd Adnan with this end in view.

The Mejlis Tajara and Diving Court. The Mejlis Tajara is probably the oldest judicial institution in Bahrain, excepting the Shera Courts. Originally it was known as the Mejlis al Urfi, and consisted of two or three local merchants who dealt with commercial cases. At that time it was not connected with the Salah al Ghooos, or Diving Court, which was a notorious institution consisting of one or two old pearl merchants whose judgments were invariably in favour of the merchants and Nakhudas and against the divers. This diving court was abolished at the time of the reforms, and for some years it ceased to exist. About ten years ago the Mejlis al Urfi was put on a different footing, and a shaikh of the Ruling Family was appointed as President of the Mejlis. Previously there had been no president. A year or two later further changes were made; the number of members was increased from eleven to twenty-two, divided into two committees, of which one committee sits once every fortnight. At the request of members, the Mejlis became known as the Mejlis Tajara, and on each of the two councils two or three members were appointed who belonged to the diving industry and were capable of dealing with diving cases. Thus the old diving court was amalgamated into the Mejlis Tajara. Another innovation at this time was the introduction of foreign members on the committee which had previously consisted exclusively of Bahrain subjects. Shaikh Rashid bin Mohammed al Khalifah was for many years President of the court until about a year ago, when he was appointed to the Bahrain Court and his place was taken by Shaikh Mohammed, the eldest son of Shaikh Abdulla bin Isa. The court is governed by regular rules, the President has the casting vote in cases of a divided opinion, and occasionally in important cases all the twenty-two members appear together. The increase in the members was made to ensure more regular attendance. The members, all of

them local merchants and many of them members of the two municipal councils, found it impossible to give up a whole morning every week to this voluntary work, but now that they only sit once every fortnight their attendance is more regular. 671 692 693

The Mejlis Tajara deals with cases both from Bahrain courts and from the Agency courts. It relieves the other courts of much work and is frequently successful in effecting compromises between parties, which saves time and trouble. In its present form the Mejlis Tajara is a satisfactory institution.

Small Mixed Court.

This court was started in 1928 and deals with civil cases up to Rs 400/-. The Bahrain magistrate, a junior member of the Ruling Family, sits with a representative of the Political Agent, usually the Indian Assistant. This court has been a useful training ground for some of the younger shaikhs who, after working in it for some years, have been promoted to more responsible positions.

Laws and Codes.

At present, except in the Shera courts, which decide cases according to Islamic law, none of the Bahrain courts follow any regular law or code. In important criminal cases the Bahrain Court is guided by the Sudan Penal Code, which is almost identical to the Indian Penal Code, but in minor criminal cases it gives sentences which it considers suitable and compatible with local opinions and conditions. Frequently these punishments differ very greatly to those which would be inflicted on foreigners found guilty of exactly the same offences who are tried and sentenced according to the Indian Penal Code. As an example of this, it is the practice of the Bahrain Court to sentence any person who contravenes the Bahrain liquor regulation, for instance, by being in possession of liquor, to undergo eight months' hard labour in the case of a first offence. 671

Civil cases are judged according to local custom and practice and, in cases which are applicable, especially in land disputes and diving cases, according to the various Government proclamations which are issued from time to time. Unfortunately, these proclamations have never been coded and not all the public are conversant with them.

Until about two years ago the practice of the courts of dealing with cases without a regular code was not objected to by the public, but during the agitation raised by a small faction of the Manamah Shias in 1935 a demand was made for a code of laws to be adapted by the Bahrain courts. A committee was appointed by the Government consisting of Shaikh Abdulla bin Shaikh Hamad and two Arabs and two Baharini, assisted by the clerk of the courts. It was intended that they should first codify all the existing proclamations, but it soon became apparent that the proclamations themselves, with the exception of the Diving Laws and a few other detailed regulations such as land registration rules, etc., were inadequate even to form a basis of a simple code for the courts. The committee have been meeting once a week for over a year and they have accomplished much valuable work, but it will probably take them another year to complete their task. The code which they are drafting refers only to civil matters such as rules regarding fishing rights, court rules, etc., and it is not proposed that they should compose a criminal code. If a criminal code is necessary, and in my opinion it is not, it would save time and trouble if the Sudan Penal Code was altered to suit local conditions and then adapted. It has the advantage of being available in Arabic.

Police Regulations.

The Bahrain police are not subject to or instructed in any regular form of regulations. As 90% of them are illiterate, it would be difficult to make them conversant with such regulations as the Indian Code of Criminal Procedure, but the police deal with an ever-increasing number of cases in which foreigners, including Europeans, Americans, and Indians, are involved. Only one of the N.C.O.'s has any knowledge of Indian rules and regulations affecting police cases and prosecutions, and as the courts in which foreigners are normally charged with criminal offences are governed by the Indian regulations, the position of the police is liable to become increasingly difficult. The Bahrain courts do not allow any foreigners to appear before the courts as pleaders or Wakils, but if in the future any professional Indian pleaders should appear in cases connected with the Bahrain police, he would probably be able to pick holes in the method of presenting cases. 671 693 695

Manama, is the capital of the State, and is the official residence of the Sheik. The Sheik holds court and administers justice once a week on the balcony of the municipal building and petty criminals are publicly flogged by red-turbaned policemen in the market place immediately below. 361 692

Manama is also the seat of the higher court composed of two members of the family of the Sheik and presided over by the British Adviser. The British Political Agent, who is under the authority of the Persian Gulf Political Agent at Bushir (in Persia), also has his residence in Manama.

BADAIYA'A is located at the northwestern end of the island, a mile from the coast. The majority of its eight thousand inhabitants belong to the Dawāsīr tribes, famous for their ability as divers. Following the political upheaval of 1923,¹ the Dawāsīr evacuated the town and fled to Damān on the mainland, but the majority later returned. 361 162

Near Badaiya'a are the two important centers of *Diraz* and *Jamra*.

ZALLĀQ. Situated on the west coast, this is another important center inhabited by the Dawāsīr fishermen and divers.

BALAD AL-KADIM. Really a cluster of several villages, this is, after Manama, the most active native center, with many palm groves and artesian wells. Its small but important population consists mostly of Baharinah farmers and fishermen. A short distance from the village is the small Sūq al Kaamīs where the Thursday market is held. Half a mile farther on is the famed water source of Abu Zidān with a religious school near by and a noted minaret in the Persian style, reminder of Iranian supremacy. [312]

BURI, another village inhabited entirely by the Baharinah, is located about seven miles south of Manama. It is a date producing center with ten to twelve thousand palm trees. [245]

JIDD HAFS is located about three miles west of Manama on the highway joining that town to Badaiy'a. Populated by the Baharinah, it is one of the most prosperous agricultural centers,

1. See below, p. 99.

Little by little, the clashes became more frequent, and from the end of April 1923, fighting took place almost every day. 648

On the fourth of May, a regular fight took place between the inhabitants of the two villages of Badaiya' (populated by the Arabs of Nedj and Sunni), and that of Ali (inhabited by Persians of Shiah creed).

On the 9th of May, a band of armed Arabs attacked the Persians, killing three and wounding thirty-seven. Persian houses were sacked and occupants maltreated. The local government was unable to cope with the situation, and again the Arabs from Nedj received reinforcements from the mainland, and attacked Persian houses, stores, and villages. In this act of vandalism, 10 Persians were killed again, but the intervention of the local police, who were under the authority of the Persian Major, Muhammad Sharif, prevented further disaster by shooting on the assailants.

To reestablish order, the Political Agent had to call on British naval units which arrived on May 12th and 13th. Sheik Isa was held responsible and was asked to abdicate, but he convoked the council of his family, and they decided to refuse the demand. Confronted by the threats of the British Resident, however, he was "persuaded" to relegate his power to his son Sheik Hamed, who was declared Lieutenant of the Realm.

After his forced abdication, Isa, as a protest against the action which violated the rule of friendship, refused for more than five years to receive his son. Eventually, however, a reconciliation took place.

The Persian Mayor was sacrificed and his office suspended. 648
The national and foreign tribunals gave way to a Divan 652
formed by the Sheik and the Political Agent. An office of Ad- [692]
ministration of Finance was created, with a Briton at its head.
Civil and military lists were established for the Sheik and his family. The English Bank of Manama, the Eastern Bank, was assigned to function as the Government Treasury. The legal provisions of the Bahrein Order in Council of 1913 were enforced.

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Since the Order in Council is so important as to have changed the social as well as the political status of Bahrein, it is worth while here to give a summary:

In matters relating to criminal and civil cases, the laws of British India and the United Kingdom are applied. By provision of Article 12, "the enactments described in the first schedule to the Foreign Jurisdiction Act of 1890 shall apply to Bahrein, as if it were a British Colony or Possession, with the difference that the Political Resident in the Persian Gulf is substituted for the Governor of a Colony or Possession, the Chief Court for a Superior Court or Supreme Court, and the District Court for a Magistrate or Justice of the Peace of a Colony or Possession. In criminal matters, the laws of British India are applied, and the Political Resident in the Persian Gulf shall form a Chief Court with power invested in a High Court of Judicature; the Political Agent at Bahrein is the equivalent of the District Magistrate and Sessions Judge. The Judicial Assistant to the Political Resident corresponds to the Additional District Magistrate and Additional Sessions Judge.

If both plaintiff and defendant are Moslem and agree to such procedure, the Political Agent may order the case to be tried by a Qazi (a Moslem judge having both civil and criminal jurisdiction). But his verdict must be ratified by the Political Agent, who is empowered to revise the findings and sentence "as if the Qazi were a Subordinate Magistrate."

The powers of the Court (that is, of the Political Resident, the Political Agent, or the Judicial Assistant) are almost unlimited. The Political Agent can condemn to exile or jail any person under his jurisdiction or can "require him to give security to the satisfaction of the Court for his future good behavior." (Article 20.)

* Articles 21 and 22 are still more restrictive in spirit. Limited at first to British subjects, the provisions of these articles, by the Amendment of 1924, were extended to "any person to whom this Order applies"—that is to say, to all British subjects, all foreign subjects who by virtue of an accord with the Sheik are under British jurisdiction, and finally all subjects of Bahrein who are listed on the Register of the Political Agency. These articles, therefore, place in the hands of the Political Agent a powerful weapon.

In fact, the Political Agent as District Court, can "under its seal exile any person who has committed or is about to commit any offense against the Order, or otherwise is conducting himself so as to be dangerous to peace and good order," during a time not exceeding two years.

In civil matters, the Code of Civil Procedure and other

Indian enactments relating to the administration of civil justice, and so on, are applied "as if Bahrein were a district in the Presidency of Bombay." 648 692 ●

However, if the two parties accept "a question of local custom," they can be sent to the Majlis of Urf for consideration or report, and a dispute over accounts between pearling masters and divers may be sent to the Salefah Court for adjustment. Finally, Article 70 gives to the Political Resident the power of issuing regulations (called King's Regulations), having for their object "the peace, order, and good government of persons to whom this Order applies," and relating "to any native or local law or custom, whether relating to trade, commerce, revenue, or any other matter."

To summarize, any difficulty of a civil or criminal nature arising between a subject of Bahrein and a person to whom the Order applies, is regulated by a kind of collaboration between the Political Agent and the Sheik of Bahrein. The Political Agent, according to the nature of the case, can judge it himself with the help of the Sheik, or send it to a Joint Court, submit criminal cases to the Qazi, if the two parties are Moslem, refer civil cases to the Majlis of Urf, or submit cases relating to pearl fishing to a Salefah Tribunal.

The application of these measures provoked a local spirit of nationalism. Protests were organized in many places. The principal of Bahrein adopted the following resolutions and urged twelve of their number to try to enforce them by use of "all legal means". 668

1. Continuation, as before, of local government without intervention by the Political Agent;
2. Re-establishment of the laws based on religious principles (*Shar'*) and in conformity with their instructions;
3. Election of a representative chamber to insure the rights of the people;
4. Creation of a tribunal for pearl fishing (*Qaus*) composed of persons familiar with the problems relating to the industry;

GOVERNMENT AND ADMINISTRATION

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GOVERNMENT AND ADMINISTRATION

The rule of the Sheikh, which is personal, is directly exerted over the part of Bahrein adjacent to Manāmah, and over the island of Muharraq, where he resides except during the four hottest months of the year. His authority over the rest of the principality is little more than nominal, for the land is divided among various relatives of his own, who hold it as almost independent fiefs, collecting their own taxes, and administering their own justice. Thus the islands of Sitrah and Nebi Sālih, with all the villages on the E. side of Bahrein to the S. of Khōr el-Kabb, and the inland villages of Rifā' esh-Sharqi and Rifā' el-Gharbi, are held by the Sheikh's brother Khālid. The subtraction of all this territory considerably reduces the Sheikh's revenue, which is derived not only from customs, but also from agricultural duties, taxes on pearl-boats, judicial fees, and rent of town lands, shops, or *khāns*. The Sheikh is assisted in the government by a *wazīr*, whose aid is all the more necessary, as the ruler is frequently absent on the mainland, chiefly for sporting purposes. In the towns of Manāmah and Muharraq there are deputy governors with the title of *emīr*.

Justice, in criminal cases and important civil cases, is administered on behalf of the Sheikh by a chief *qādhī*. The treatment of minor cases depends upon the religious belief of the parties; if both are Sunnis, they go before the (Sunni) Sheikh of Muharraq; if both are Shiahs, before the (Shiah) Sheikh of Manāmah. There are, in addition, seven other *qādhīs* permitted to adjudicate upon cases referred to them by agreement.

Mercantile cases, especially those in which foreigners are concerned, are decided by a tribunal variously called *Mejlīs el-'Urfī* or *Mejlīs el-Tijārah*, a Customary or Commercial Court, with permanent members nominated by the Sheikh in consultation with the British Political Agent. When one or more of the parties to a case is a British subject, or when none of them are Bahrein subjects, the *Mejlīs* is usually convoked by the Agent, and sits at the Agency, a representative of the Sheikh being permitted to attend. Cases arising out of pearl-diving operations are settled by a special board of arbitration known as the *Sālifat el-Ghaus*.

RECENT HISTORY AND PRESENT POLITICS

Although the Sheikhs of the Khalifah family had been in direct relations with us since 1805, and under treaty since 1820, another sixty years elapsed before the ruler of Bahrein entered into a binding